IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 373 of 1982

HONOURABLE MR.JUSTICE KS JHAVERI

==========

GSRTC - Appellant(s)
Versus
RAMANLAL C PAREKH & 5 - Defendant(s)

==========

Appearance :
MR HC RAVAL for Appellant(s) : 1,
NANAVATI ASSOCIATES for Defendant(s) : 1 - 2.
NOTICE SERVED for Defendant(s) : 3 - 4.
MR RM DESAI for Defendant(s) : 5,
None for Defendant(s) : 6,

==========

CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 26/07/2006

ORAL JUDGMENT

1. This appeal at the instance of Gujarat State Road Transport Corporation, is directed against the judgement and award dated 20th August 1981 passed by the Motor Accident Claims Tribunal, Panchmahals, in Motor Accident Claims Tribunal No.439 of 1980, whereby the Tribunal has awarded a sum of Rs.63500/-.

2. The case of the original claimants was that on 28.7.1980 Kiritbhai was coming on a motor cycle from Suki river side to S.T. Bus Stand. At that time one S.T. Bus No.GRS 7177 knocked down the motor cycle as a result of which Kiritbhai suffered injuries and

succumbed to the same. Therefore the parents of the said deceased Kiritbhai filed the aforesaid claim petition. The Tribunal awarded a sum of Rs.63500/-.

3. Learned Advocate for the appellant submitted that the Tribunal has committed an error in taking the income of the deceased at Rs.450/- per month and there was no evidence on record in this regard. He further submitted that parents of the deceased should have been given only 1/3 of the income.

4. As a result of hearing and perusal of the record I am of the view that the Tribunal would have doubled the income and should have taken average of the same. If that is taken the average amount would come to Rs.1012/-. One third of the same amount would come to Rs.337.10 i.e. Rs.338/-. Looking to the age, the claimants are entitled to multiplier of 10.Thus the total amount would come to Rs.40560 (i.e. 338X12x10=40560). The claimants shall also be entitled to the amount of Rs.5000/-for expectation of life as awarded by the Tribunal.

5. In the premises aforesaid, it is held that the claimants shall be entitled to Rs.45560/- and the award of the Tribunal is modified accordingly.The rest of the award qua interest etc. shall remain the same. The appellant is entitled to refund of the excess amount paid, if any. No order as to costs.

[K.S. JHAVERI, J.]

ar